



County of San Diego - Department of Environmental Health

TO: File

FROM: Rebecca Lafreniere, Project Manager

SUBJECT: Response to Comments; Eye Gnat Program and Ordinance Negative Declaration 3910 12-00-001 (ER)

DATE: October 31, 2012

The following are staff's responses to comments received during the public review period for the draft Negative Declaration (ND), dated May 31, 2012. The draft ND was circulated for public review from May 31, 2012 through June 20, 2012. Comments received did require revisions to the ND, the Initial Study/Environmental Analysis and/or the project.

INTRODUCTION: In response to comments, the Proposed Ordinance and CEQA Initial Study were revised to remove the use of pesticides. Therefore, any comment which notes the potential environmental, economic or social impact of the use of pesticides is no longer applicable to the Proposed Ordinance.

LETTER A1 – LATHAM AND WATKINS (MAY 25, 2012 LETTER)

A.1-1 Introductory comment is noted.

A.1-2 Please see the Introduction response above regarding the use of pesticides.

The County disagrees that the Proposed Ordinance would qualify as a "*project of statewide, regional, or areawide significance*" pursuant to CEQA section 15206. As discussed in the CEQA Initial Study, the Proposed Ordinance would not have the potential to cause a significant effect on the environment. CEQA Guideline section 15206 defines projects of statewide, regional or areawide significance as follows:

- A project with the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located; a project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for endangered rare and threatened species;
- A project which would interfere with attainment of regional water quality standards as stated in the approved areawide waste treatment management plan.

While the Proposed Ordinance would not qualify as a project of statewide, regional, or areawide significance, the County did consult with the Regional Water Quality Board on October 16, 2012.

The Proposed Ordinance declares the eye gnat as a vector, and authorizes the Director of Environmental Health to take enforcement action to abate the presence of the eye gnat on local farms. Eye gnats have been found to breed on organic farms, and the ordinance is drafted to give the Director authority to order progressive abatement actions to avoid the discomfort this vector causes to residential areas surrounding the organic farms where they are present. To date, there have only been two farms in the County where this issue has arisen. One of the farms recently closed, due to lack of groundwater. The other farm is located in the City of San Diego, adjacent to a large residential community.

The County disagrees that there would be significant impacts to the Arroyo Toad due to the implementation of the ordinance at Be Wise Ranch or elsewhere. As stated in the CEQA Initial Study section IV.(a) Biological Resources, the project would not have a substantial adverse effect to special status species, including the Arroyo Toad.

Therefore, because the project would not result in a significant impact on the environment and would not qualify as a project of statewide, regional or areawide significance, the project does not need to be submitted to the State Clearinghouse. Likewise, because the notice does not need to be sent to the State Clearinghouse, the public review period does not need to be 30 days.

LETTER A.2 –BE WISE RANCH WITH LATHAM AND WATKINS REPRESENTING (JUNE 20, 2012 LETTER)

- A.2-1 Please see response to comment A.1-2.
- A.2-2 Introductory comment is noted.
- A.2-3 Please see the Introduction response above regarding the use of pesticides.

The implementation of the proposed ordinance would not jeopardize or eliminate an organic certification. Economic effects are not treated as significant pursuant to CEQA section 15131.

The County agrees that eye gnat counts in monitoring collar traps have fallen since basic control measures were put in place at Be Wise Ranch. However, the County does not agree that these data mean an eye gnat program is unnecessary. This is a county-wide program that addresses both current and potential future eye gnat problems. It will provide authority to address any recurrence of a problem similar to that the community in Jacumba endured until the Bornt farm ceased operations. It provides authority over all sources of eye gnats, not just commercial organic farms. Moreover, in the absence of a program and ordinance, continuation of the measures that have so far been implemented voluntarily at the Be Wise Ranch would not be assured. The owner of the Be Wise Ranch denied the County access to that farm in 2010 for basic data collection purposes, has continued to decline to release those data, and did not begin serious eye gnat abatement efforts until members of the Board of Supervisors expressed support for an ordinance in a public meeting.

Nor is it clear that even a 98% reduction in eye gnats in monitoring traps near Be Wise Ranch would demonstrate “success” in abating the community nuisance. The Proposed Ordinance does not specify a “success rate” for abatement levels. The Proposed Ordinance would instead require the Director of DEH to consider the interests of both farmers and communities in making enforcement decisions. Because of the complex circumstances involved, the ordinance does not reduce enforcement decisions to a simplistic numerical threshold or standard.

State law provides little guidance on how the success of a vector abatement program should be determined; instead, state law broadly authorizes abatement orders when vectors cause human discomfort. The ordinance imposes additional constraints. For commercial organic farmers, abatement orders requiring the farm to restrict the crops that could be grown organically on a farm, as a last resort when eye gnats cannot be controlled by any other method. Specifically, the crop restriction could be ordered only if a farmer refused to implement a prior order, or if a plan that included all validated and applicable eye gnat abatement measures had been fully implemented and was being maintained by the farmer but failed to control the eye gnat nuisance conditions—in other words, resort to crop restrictions would not be allowed unless other methods of abatement had been tried and had failed.

The Proposed Ordinance also provides that the Director cannot base a conclusion that a community nuisance exists, or persists despite abatement efforts, solely on community self-reporting. Direct observations by staff and consideration of collected data are also required. In addition, the Director would have no authority to issue an abatement order of any kind to a commercial organic farmer unless the County received a substantial number of eye gnat complaints from a community near a farm, determined based on those complaints and direct staff observations that nuisance conditions existed, determined after investigation that the farm was a substantial source of eye gnats, and determined whether there were other sources of eye gnats contributing to community conditions that should be abated. Finally, if all of these conditions were met and abatement was required, the farmer would then have the opportunity to demonstrate, over the course of a year or two years, that nuisance conditions caused by the farm could be sufficiently abated without crop restrictions.

In the absence of a County program, farmers could define “success” as they saw fit, and truncate abate efforts accordingly. Ultimately, the test of success must be community conditions, not the percentage reduction in eye gnats in the community achieved in comparison to an uncontrolled farming condition. Moreover, in circumstances where a farm has been determined to be causing a community nuisance, some level of continuing abatement will be necessary so long as organic farming continues. The ordinance addresses this by protecting farmers from increasingly stringent orders once a level of abatement sufficient to address the community nuisance has been achieved. Furthermore, that determination cannot be based solely on community complaints, but again must also be based on direct staff observations and available data.

A.2-4 Please see the Introduction response above regarding the use of pesticides.

The County disagrees with the assertion that an EIR should be prepared and that the “fair argument standard” has been presented. The various comment letters received during public review did not include substantial evidence that the project may have a significant effect on the environment. CEQA section 15064(f)(4) states, “The existence of public controversy over the environmental effects of a project will not require the preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.” Substantial evidence would include “facts, reasonable assumptions predicated upon facts, and an expert opinion supported by facts” (CEQA section 15064(f)(5)). While the County received several comments on the appropriateness and quality of the draft ND, no comments were received which rise to level of substantial evidence that the project may have a significant effect on the environment.

Some comments were received that recited training and experience of potential relevance to determining the environmental impact of the proposed program, e.g., the comments of Robert L. Bugg, Ph.D (Letter A.6), and of Kay Stewart (Letter A.10). However, Dr. Bugg speaks to the need for a program, not the environmental impacts of the program. Ms. Stewart asserts a general association between neonicotinoid pesticides and destruction of bees, but makes that general assertion to support a statement that an alliance between agencies and corporate agrichemical business hurts people and the environment.

A.2-5 Please see response to comment A.1-2.

A.2-6 The County disagrees that State Agencies require review of any CEQA document with the *potential* to result in a significant impact to a state resource. Pursuant to CEQA section 15386, a “Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. The CEQA Initial Study concluded that the Proposed Ordinance would not have an affect over natural resources within the jurisdiction of a State Agency; therefore, State Agency review is not required.

Please see response to comment A.1-2.

A.2-7 Please see the Introduction response above regarding the use of pesticides.

The Proposed Ordinance could result in the voluntary substitution of organic fertilizers that would prevent eye gnat breeding to replace organic fertilizers that have been shown to contribute to eye gnat breeding. Orders to require such substitution are not expected to be necessary because such substitution would have a relatively low cost and high effectiveness. However, this potential for substitution would not affect Be Wise Ranch (the farm near Lake Hodges), or Lake Hodges, because Be Wise Ranch already uses suitable organic fertilizers. The substitution would not affect runoff from any farm making the substitution because fertilizer application practices would not change significantly. Moreover, the use of organic and non-organic fertilizers has long been a routine practice at the many agricultural operations in the San Pasqual Valley, all of which are in the watershed for Lake Hodges; that farming activity has not caused violations of

water quality standards for pollutants commonly associated with fertilizers (e.g., nitrates) in Lake Hodges or in Rancho Santa Fe drinking water.

Please also see response to comment A.1-2.

- A.2-8 The County disagrees that all property owners and stakeholders were not properly notified. Section 15072(a) of the California Environmental Quality Act states that a lead agency shall provide a notice of intent to adopt a negative declaration to the public, responsible agencies, trustee agencies and the county clerk. Section 15072(b) of CEQA further states that the lead agency shall mail a notice of intent to adopt a negative declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and publication in a newspaper of general circulation in the area affected by the proposed project.

Staff did issue the notice of intent to all parties whom had previously inquired about the Proposed Ordinance, and included those whom spoke at previous hearings on this matter. The notice was sent to the public, and the County Clerk. The notice of intent legal ad for proposed negative declaration was placed in the Union Tribune, which is distributed to readership over the entire County of San Diego, including all cities. Groups whom were interested in the Proposed Ordinance were properly noticed. For those that had not previously submitted their request to be noticed in writing, there was ample noticing to the community (1,130 emails). The information was available at the DEH website. All County libraries were noticed, including libraries in the incorporated cities.

- A.2-9 Please see the Introduction response above regarding the use of pesticides.

The County disagrees that there would be significant impacts to Biological Resources, including the Arroyo Toad, due to implementation of the ordinance. As stated in the CEQA Initial Study section IV(a) Biological Resources, the project would not have a substantial adverse effect to biological resources.

- A.2-10 The County acknowledges that bees are essential to agriculture and there are measures in place to protect their well being. Please see the Introduction response above regarding the use of pesticides.

- A.2-11 Please see the Introduction response above regarding the use of pesticides.

The County disagrees that the project would result in significant impacts to biological resources as explained in the CEQA Initial Study Section IV, Biological Resources.

- A.2-12 Please see the Introduction response above regarding the use of pesticides.

- A.2-13 The County agrees that the lands farmed by Be Wise Ranch include lands designated as Prime Farmland and Farmland of Statewide Importance. This information is included in the CEQA Initial Study, section II Agriculture and Forestry Resources.

In the event abatement actions are taken to control eye gnats, the Ordinance does not require the cessation of farming and agricultural operations, nor the conversion of any farming operation to other non-agricultural uses. As a last resort, after the use of best management practices and eye gnat abatement measures, the Ordinance would authorize the DEH to restrict the growing of certain types of crops on organic fields to control the eye gnat nuisance. An order to restrict the types of crops grown would not preclude the continuation of conventional farming techniques or the substitution of alternative organic farming practices (e.g. orchards or animal keeping); thereby, allowing agricultural uses to continue on the property. Alternative organic farming practices, which historically have not harbored or generated eye gnats, include organic orchards or animal keeping practices. The acreage registered for organic production in San Diego County is about 15% of total agricultural acreage registered for production in the County. At least 43,500 acres in the County are farmed without organic production restrictions.

It is clear that farming can be continued even when abatement orders are required. Therefore, Ordinance implementation would not result in the conversion of farmland to non-agricultural use.

Moreover, in the unlikely event those abatement efforts at a farm fail despite diligent and sustained effort, causing the County to restrict which crops can be grown on that farm, other local organic farmers or commercial distributors of organic food could step in to meet the local demand for organic food. There are hundreds of organic farmers in San Diego County whose operations are not associated with an eye gnat nuisance. That market response would also be expected if the cost of eye gnat abatement made the farm uneconomical as an organic operation. Therefore, the ordinance would not reduce organic food options to a degree that could affect the health of County residents.

Please also see response to comment A.2-3.

A.2-14 Please see responses to comments A.2-3, A.2-7 and A.2-9.

A.2-15 The County disagrees the CEQA Initial Study and ND should include an analysis of the *“land use plans, policies, and regulations of the City.”* The Proposed Ordinance would apply to all land within the County of San Diego, including incorporated cities. County ordinances and regulations are not required to conform to other jurisdictions plans and policies. However, while the CEQA Initial Study and ND did not include a consistency analysis, the Proposed Ordinance would not conflict with the policies stated in this comment letter. Please also see the Introduction response above regarding the use of pesticides.

A.2-16 The Proposed Ordinance would not *“eliminate a significant source of locally grown organic produce”* for reasons explained in response to comment A.2-13. Therefore, the Proposed Ordinance would not conflict with the policies stated in the comment (City of San Diego General Plan Policy CE-A.2, CE-A.14, CE-D.3.e, CE-E.2.e and City of San Diego General Plan Conservation Element Goal). Please also see the Introduction response above regarding the use of pesticides.

The County disagrees that one of the required BMPs from the Proposed Ordinance is that, *“no organic matter be tilled into the soil”*. This is not correct. Organic matter is allowed prior to the cropping cycle and especially during the winter months when eye gnat activity is very low. The organic farmers typically add organic matter once a year for production. Any tillage thereafter can cause an eye gnat bloom. The limited tilling requirement is in reference to the weeding process. Weeding can add organic matter to the soil, but it is not a necessary component. Since organic matter tillage is allowed prior to cropping, the natural carbon sequestration organic farming practices would not change.

- A.2-17 The County disagrees that one of the required BMPs from the Proposed Ordinance is that, *“no organic matter be tilled into the soil”*. This is not correct. Organic matter is allowed prior to the cropping cycle and especially during the winter months when eye gnat activity is very low. The organic farmers typically add organic matter once a year for production. Any tillage thereafter can cause an eye gnat bloom. The limited tilling requirement is in reference to the weeding process. Weeding can add organic matter to the soil, but it is not a necessary component. Since organic matter tillage is allowed prior to cropping, the water holding capacity and runoff would not change.
- A.2-18 The Proposed Ordinance would not impact sustainable agricultural practices for reasons explained in response to comment A.2-13. Therefore, the Proposed Ordinance would not conflict with the policy stated in the comment (City of San Diego General Plan Conservation Element Goal). Please also see the Introduction response above regarding the use of pesticides.
- A.2-19 The Proposed Ordinance would not authorize spraying of pesticides in a manner which *would not* “minimize the release of contaminants into surface or groundwater”. Therefore, the Proposed Ordinance would not conflict with the policy stated in the comment (City of San Diego General Plan Policy CE-L.1). Please also see responses to comments A.1-2, A.2-7 and A.2-17 and the Introduction response above regarding the use of pesticides.
- A.2-20 The Proposed Ordinance would not authorize spraying of pesticides in a manner which *“would decrease the use of sustainable agricultural practices and educational support”* or otherwise conflict with sustainability practices, as explained in response to comment A.2-13. Therefore, the Proposed Ordinance would not conflict with the policies stated in the comment (City of San Diego General Plan Policies CE-L.3, CE-L.5, CE-L.8, City of San Diego San Pasqual Valley Plan – Water Resources and Agriculture Elements). Please also see the Introduction response above regarding the use of pesticides.
- A.2-21 The implementation of the Proposed Ordinance would not be in conflict with San Diego City Council Policy 600-45 because the City is asserting that the conflict arises with the requirement to use pesticides. The use of pesticides has been removed from the ordinance. In addition, the Proposed Ordinance implements state vector control law.
- A.2-22 Please see the Introduction response above regarding the use of pesticides.

- A.2-23 The County disagrees that there is a conflict with the San Pasqual Vision Plan because notification was completed pursuant County noticing requirements as explained in response to comment A.2-8.
- A.2-24 Please see response to comment A.2-8.
- A.2-25 Please see the Introduction response above regarding the use of pesticides.
- A.2-26 The County disagrees that the Proposed Ordinance is in conflict with the City MHPA/MSCP or would otherwise impact biological resources. As stated in the CEQA Initial Study section IV (a) Biological Resources, the project would not have a substantial adverse effect to biological resources. Please see the Introduction response above regarding the use of pesticides and A.2-15.
- A.2-27 Please see the Introduction response above regarding the use of pesticides. The comment is unclear as to where the CEQA Initial Study assumes “that some level of pesticide spraying has historically taken place at the property.” The County disagrees that the baseline used in the ND is incorrect. Impacts to Air Quality were analyzed in the CEQA Initial Study, Section III Air Quality.
- A.2-28 Please see response to comment A.2-16 and the Introduction response above.
- A.2-29 The use of pesticides has been removed from the ordinance. Please see the Introduction response above. Please also see response to comment A.2-17.

LETTER A.3 – CITY OF SAN DIEGO

- A.3-1 Introductory comments noted.
- A.3-2 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.1-2 and A.2-7.
- However, it should be noted that the San Dieguito River was listed as 303(d) impaired for Total Dissolved Solids (TDS) and for Toxicity in 2008. It is not listed as impaired for “sediment” or turbidity, which are the conditions associated with soil erosion into a waterway. The municipal stormwater copermittee monitoring station showing excess TDS is below Lake Hodges Dam. The copermittee’s 2008 conclusions based on monitoring there is that there is not “evidence of persistent toxicity”. (L&M Ex. D at p. 26)
- A.3-3 Please see responses to comments A.3-2, A.2-7 and A.2-21.
- A.3-4 Please see responses to comments A.3-2, A.2-7 and A.2-20.
- A.3-5 The San Pasqual Land Use Task Force will be included on all future distributions for the Proposed Ordinance. Please see response to comment A.2-8.
- A.3-6 Comment noted.

LETTER A.4 – Dorthi Wormser

- A.4-1 The use of pesticides has been removed from the ordinance. Please see the Introduction response above.
- A.4-2 Please see responses to comments A.2-3 and A.2-13.
- A.4-3 According to research completed by the Department of Environmental Health, Lake Hodges (includes the “swamp” at the east end) is not a significant source of eye gnats. According to data collected by the Department of Environmental Health, where community nuisance conditions have been documented, they have been caused by particular organic farms which are the source of eye gnat breeding. Also, the proposed ordinance does require consideration of other potential sources of eye gnats before an abatement order could be issued to a commercial organic farmer.

LETTER A.5 – Andrew Pidduck

- A.5-1 Introductory comments noted.
- A.5-2 Please see response to comment A.2-3.
- A.5-3 Please see responses to comments A.1-2 and A.2-7.
- A.5-4 Please see response to comment A.2-21.
- A.5-5 Please see responses to comments A.2-3 and A.2-13.
- A.5-6 Please see response to comment A.4-3.

LETTER A.6 – Robert L. Bugg, Ph.D.

- A.6-1 Introductory comments are noted. The commenter's scientific background is acknowledged; however, the County disagrees that implementation of the Proposed Ordinance would result in a significant impact to the environment.
- A.6-2 The commenter asserts that the identification of Be Wise Ranch as the source of the eye gnat problem near that farm is not well-supported by the investigations the County conducted. This is not a comment about the environmental impacts of the program, and therefore does not require a response for CEQA purposes.

However, the County notes that emergence trapping of turf located at the golf course, combined with trapping elsewhere, supports the conclusion that Be Wise Ranch is the most significant source of eye gnats affecting this community. It should be noted that, Be Wise Ranch has prohibited public release of the data collected by the University of California on the Be Wise Ranch in 2010. However, the researcher who completed the research concludes in his report that the data support this conclusion. The golf course remains a minor source of eye gnats, and trapping completed on the golf course is most likely an indication of or a consequence of the exceptional eye gnat production at Be Wise Ranch.

The commenter incorrectly states that there are areas that have been largely ignored. Emergence and adult trapping has occurred at varied sites in the San

Pasqual Reserve including Lake Hodges. In addition, the trapping completed at the varied sites confirms minimal eye gnat production. Since the insect is endemic to the area, it follows that minor numbers of eye gnats may be produced in these areas. Lastly, in response to “stream banks as major breeding sites”, they are not.

The Proposed Ordinance and Program does include a reasoned and systematic approach to the problem. A community-wide, or area-wide, integrated approach have always been recommended and is a consistent goal of the Eye Gnat Research and Education Project. The comments states that “the proposed negative declaration dictates large increases in the collar trap density...” and in other measures that are not scientifically supported and that will be too costly. These and other comments about the necessity and efficacy of potential abatement measures are not comments about the environmental impact of the program, and therefore do not require a response for CEQA purposes.

However, the County notes that interception traplines alone did not resolve eye gnat problems either for the Bornt farm in Jacumba or (as asserted by the commenter) in the Coachella Valley. In Jacumba a trapline more aggressive than proposed by the commenter plus other abatement measures were insufficient to abate a community nuisance even in combination. The success in Coachella was largely due to the changes in management practices by farmers and the movement of organic farming to the other end of the valley and away from human habitation as noted by Dr. Greg White of the Coachella Valley Vector Control District (see: <http://cesandiego.ucdavis.edu/files/140930.pdf>), and was not the result of the implementation of traplines. Dr. White says that the calls for eye gnat traps at homes in the valley are almost non-existent at the moment. Trapping on golf courses and parks is in direct response to the migration of eye gnats to human hosts and the complaints on site and a mere 3 traps per fairway are employed in problem areas. Eye gnats in those situations are not migrating into human habitat/communities. Finally, the County notes that to the extent recent abatement efforts on the Be Wise Ranch have corresponded to reductions in eye gnats in the area, and the only abatement in the entire area is occurring on the farm, then it is clear that the farm is the major source and most likely the progenitor of the problem.

Please also see responses to comments A.2-3 and A.4-3.

- A.6-3 The County disagrees that the Vineyard Golf Course is a significant source of eye gnats. The data taken from the golf course demonstrates the golf course is a minor source of eye gnats. Please see response to comment A.6-2.
- A.6-4 The County did not ignore the San Dieguito Riverbed as a potential source of eye gnats. The San Dieguito Riverbed is seasonally dry for the majority of the year. Water is present during and after rain events which is not when eye gnat breeding occurs. During the dry season, the riverbed is rocky with very little vegetation. Areas of the riverbed that were more vegetated and had moister soils were selected for emergence testing. The data taken from the riverbed demonstrates it is a minor source of eye gnats. Since the insect is endemic to the area, it follows that minor numbers of eye gnats may be produced in these areas. Please see response to comment A.6-2.

- A.6-5 The recommendations of collar trap density on a linear scale for Be Wise Ranch is equivalent to the recommendations implemented and effective at Bornt Family Farms in Jacumba. The recommendations of collar trap density on an area wide scale (i.e. per acre) is an estimate. There is no empirical data to suggest an optimal trap density per acre.
- The recommendations that were based on 2000 traps were in response to the fact that was all the traps that Be Wise Ranch was willing to construct. The recommendations remain as two rows of traps parallel but staggered for the length of the farm between the farm and the community. The recommendations for within-field trap density have remained one collar trap per 10,000 sqft. That is approximately five traps per acre not including perimeters. Forty-three traps per acre is incorrect. It has never been stipulated that dry matter be removed from the farm.
- Please see response to comment A.2-3.
- A.6-6. The use of pesticides, including organic pesticides, has been removed from the ordinance. Please see the Introduction response above.
- A.6-7 Figure 4 in the 2010 report is of adult collar trapping at the Vineyard Golf Course and represents fully what was observed. The densities of eye gnats found on the golf course are in response to the exceptional production of eye gnats on Be Wise Ranch. Please also see responses to comments A.6-2 and A.6.3.
- A.6-8 A trapline and other abatement measures were implemented between the farm and the community in Jacumba and were insufficient to abate the problem. Further measures were needed. Rather than just the implementation of a trapline, the success in Coachella was largely due to the changes in management practices by farmers and the movement of organic farming to the other end of the valley and away from human habitation as noted by Dr. Greg White of the Coachella Valley Vector Control District (see: <http://cesandiego.ucdavis.edu/files/140930.pdf>). Dr. White says that the calls for eye gnat traps at homes in the valley are almost non-existent at the moment. Trapping on golf courses and parks is in direct response to the migration of eye gnats to human hosts and the complaints on site and only three traps per fairway are employed in problem areas. Eye gnats in those situations are not migrating into human habitat/communities.
- A.6-9 The measures proposed will not cause the farmer to be out of compliance. There is a lengthy and incremental set of proposed abatement measures with appeals that protects and allows the farmer sufficient recourse. The practices recommended are from the best science available and are effective. Please see responses to comments A.2-3 and A.2-7.
- A.6-10 The commenter states that data collected in 2012 shows that the proposed eye gnat control program is not needed, because there has been a 98% reduction in eye gnat counts in collar traps on the golf course. This is not a comment about the environmental impact of the program, and therefore does not require a response for CEQA purposes.

However, the County notes that it does not agree that these data mean an eye gnat program is unnecessary. The data do support a conclusion that eye gnat numbers have been reduced significantly since the Be Wise Ranch began serious eye gnat abatement efforts. But this is a county-wide program that addresses both current and potential future eye gnat problems. It will provide authority to address any recurrence of a problem similar to that the community in Jacumba endured until the Bornt farm ceased operations. It provides authority over all sources of eye gnats, not just commercial organic farms. Moreover, in the absence of a program and ordinance, continuation of the measures that have so far been implemented voluntarily at the Be Wise Ranch would not be assured. The owner of the Be Wise Ranch denied the County access to that farm in 2010 for basic data collection purposes, has continued to decline to release those data, and did not begin serious eye gnat abatement efforts until members of the Board of Supervisors expressed support for an ordinance in a public meeting.

The comment also states that Be Wise Ranch is willing to implement eye gnat abatement measures without an ordinance in place, making an ordinance unnecessary. But this is a county-wide program that addresses both current and potential future eye gnat problems. It will provide authority to address any recurrence of a problem similar to that the community in Jacumba endured until the Bornt farm ceased operations. It provides authority over all sources of eye gnats, not just commercial organic farms. DEH continues to work with Be Wise and hopes that they will measures being implemented this year.

Concerning research into additional or alternative abatement measures, the designation of eye gnats as a vector by local ordinance is necessary to make Vector Control Program funding available for a sustained research effort. Adequate research has been completed in regards to the source of eye gnats in the communities near Be Wise Ranch, and abatement of those eye gnats is appropriate now. The County disagrees that the grower is doing everything feasible to address the eye gnat breeding issue.

Please also see responses to comments A.2-3 and A.4-2.

A.6-11 Please see response to comment A.2-3 and A.2-4.

LETTER A.7 – Sharon Escher, Dr. Marina Frants, Sarilee Anderson, & Megan Scanderbeg

A.7-1 The County disagrees that the CEQA Initial Study did not include an analysis of potential impacts to land organisms such as mammals, insects, and birds. As discussed in the CEQA Initial Study, the Proposed Ordinance would not have the potential to cause a significant effect on the environment. Please see responses to comments A.2-7, A.2-9 and A.2-10.

A.7-2 Please see the Introduction response above regarding the use of pesticides.

A.7-3 Please see the Introduction response above regarding the use of pesticides.

The comment is questioning the effectiveness of measures within the Proposed Ordinance and Program, it does not relate to an environmental impact pursuant

to CEQA. However, it should be noted that research conducted in 2010 (reported in 2011) addressed the larval stage of the eye gnat. Subsequent research in 2011 (reported in 2012) confirmed that Ecotrol causes adult mortality. Therefore, there is justification for the requirement to restrict crops, which will, in part, reduce eye gnat numbers. In fact, section 64.404(e) of the Proposed Ordinance states that during the development of the voluntary plan the grower and Farm and Home Advisor shall consider and discuss as least the following strategies: the management of weeds and crop residues, the selection of fertilizers, watering practices, soil covers, flight barriers, barrier crops, trapping strategies, fallow period or non-irrigated periods. The voluntary plan shall address both the prevention of eye gnat breeding and the interception of eye gnats on the farm, and shall include both appropriate cultural control measures and other appropriate measures.

- A.7-4 Please see the Introduction response above regarding the use of pesticides. Please see responses to comments A.7-1 and A.7-2.

LETTER A.8 – Farahnaz

- A.8-1 The policy decisions requested in this comment are not related to an environmental issue, and therefore, no response is required under CEQA. However, the County notes that the program being proposed is closer to policies the comment requests than the comment states. Section 64.403 of the proposed ordinance would not allow the Director to override all protections in the ordinance for commercial organic farmers if the concurrence of the eye gnat abatement appeals board was obtained. Instead, only certain protections could be set aside in “last resort” situations. Finally, section 64.403(d) has been further amended; under the revised version of the ordinance the Director would have no authority to order an organic farm to close or require the use of pesticides.

Please see responses to comments A.2-3 and A.2-4.

LETTER A.9 – Tom Escher

- A.9-1 Please see the Introduction response above regarding the use of pesticides.
- A.9-2 Please see the Introduction response above regarding the use of pesticides. Concerning the limitation of the Director’s authority in regards to non-organic pesticides, the question is not a comment about the environmental impact of the proposed program, and therefore does not require a response for CEQA purposes.
- A.9-3 In regards to the use of trap barrier crops, the Proposed Ordinance neither restricts nor directs how barrier crops are used when no longer needed for eye gnat abatement purposes. However, DEH expects based on experience in Jacumba at the Bornt farm that dense non-food crops such as alfalfa, which can be left in place for an entire growing season, will be better suited to abatement purposes than food crops. See also the response to comment A1.7.

Barrier crop farming can be less intensive and less extractive than food crop farming. The accumulative effects on the land of trap barrier crops are expected

to be neutral or favorable in comparison to the commercial cultivation and harvesting of one or more food crops on the same land over the same period of time.

A.9-4 Please see the Introduction response above regarding the use of pesticides.

A.9-5 Comment noted. The decision makers will consider the community concern when deciding to either approve or deny the Proposed Ordinance. CEQA section 15074(b) states,

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

LETTER A.10 – Kay Stewart

A.10-1 Introductory comment and summary of education and experience noted.

The comment asserts that non-organic farming is destroying the environment and making people unhealthy. This is not a comment about the environmental impacts of the proposed program, and therefore does not require a response for CEQA purposes.

The comment notes that eye gnats can breed and swarm in conditions not associated with commercial organic agriculture. The County agrees. However, the statement in the comment is not a comment about the environmental impact of the proposed program, and therefore does not require a response for CEQA purposes. The County also notes that the proposed program and ordinance is focused on protecting communities from eye gnat nuisances. The County's recent experience has been that this scale of a problem—the sustained community nuisance—in San Diego county has been uniquely associated with eye gnats are from specific organic farms.

The remainder of the comment is not a comment about the environmental impact of the proposed program, and therefore does not require a response for CEQA purposes. However, the decision makers will consider the community concerns when deciding to either approve or deny the Proposed Ordinance. CEQA section 15074(b) states,

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

LETTER A.11 – Danielle Cook

A.11-1 Introductory comments noted. The environmental document was prepared to help the public understand the role of CEQA as applied to the Proposed Ordinance and to clearly document the County's consideration of applicable CEQA and County guidelines. Other documents released by the County describe

the proposed program clearly without the complicating CEQA analysis overlay. The comment period provided by the County conformed to legal requirements.

The comment asserts that provisions of the proposed ordinance allowing an administrative appeal are not consistent with Board of Supervisors wishes and will undermine the effectiveness of the program. This is not a comment about the environmental impact of the proposed program, and therefore does not require a response for CEQA purposes. However, it should be noted that Board of Supervisor's comments on the role of the appeals board were directed to a requirement for prior concurrence by the appeals board in certain orders, not to appeals of orders issued by the Director. The County has included an appeals process in all versions of this proposed program to meet constitutional requirements for due process of law.

A.11-2 The requests in the comment concern nominations to the Eye Gnat Abatement Appeals Board, are not comments about the environmental impact of the proposed program, and therefore do not require a response for CEQA purposes. However, it should be noted that revisions to the County Administrative Code have been proposed to further specify the backgrounds of appeals board nominees and Board of Supervisors appointment procedures.

A.11-3 The County disagrees that a CEQA analysis should or could have been done on the Bornt Farms when it was originally purchased [leased]. CEQA applies to government actions not to private actions, and no discretionary government decision or government funding was associated with the establishment or expansion of the Bornt farm. Agricultural activity on land zoned for such activity within the County does not require a use permit.

LETTER A.12 – Diane Gage

A.12-1 Please see response to comment A.2-4.

A.12-2 Please see response to comment A.2-3.

A.12-3 Please see the Introduction response above regarding the use of pesticides.

A.12-4 Please see response to comment A.6-10. County staff concludes that adequate research has been conducted and necessary actions should be taken; therefore, recommends approval of Proposed Ordinance and Program.

Diane Gage (May 24, 2012)

A.12-5 Please see response to comment A.2-3.

A.12-6 Implementation of the Proposed Ordinance would not result in the closure of any organic farm. Because the Proposed Ordinance would not deprive a farmer of an opportunity to utilize the land, the County would not be liable, even if a farmer were to claim the closure of a farm was caused by this Ordinance. Please also see responses to comments A.2-3 and A.2-13.

A.12-7 Please see response to comment A.6-10.

LETTER A.13 – Sheri Mayer

A.13-1 Introduction comment is noted.

A.13-2 Please see response to comment A.6-10.

A.13-3 Please see the Introduction response above regarding the use of pesticides. The comment states surrounding residences could purchase appropriate pesticides at their local stores is not a comment about the environmental impact of the proposed program, and therefore does not require a response for CEQA purposes. However, we note that effective eye gnat control is best achieved where eye gnats breed, prior to dispersal.

Concerning research into additional or alternative abatement measures, the designation of eye gnats as a vector by local ordinance is necessary to make Vector Control Program funding available for a sustained research effort. Adequate research has been completed in regards to the source of eye gnats in the communities near Be Wise Ranch, and abatement of those eye gnats is appropriate now. The County disagrees that the grower is doing everything feasible to address the eye gnat breeding issue.

A.13-4 The County agrees with the commenter that farmers and communities have the same interest in controlling eye gnats. The Proposed Ordinance provides the necessary steps needed to reduce the eye gnats below nuisance levels, which would address the central issue between growers and residents. DEH has developed the Proposed Ordinance in order to be an effective tool in addressing the eye gnat issue. Please see response to comment A.6-10.

LETTER A.14 – Jan McClure, RN Ph.D.

A.14-1 Please see response to comment A.6-10.

A.14-2 Please see response to comment A.9-5

A.14-3 Please see response to comment A.2-4.

A.14-4 Comment noted.

LETTER A.15 – Vance E. McClure, Ph.D.

A.15-1 Introductory comment and summary of education and experience noted.

A.15-2 Please see responses to comments A.6-10 and A.9-5.

LETTER A.16 – Mark Wallbridge

A.16-1 Please see response to comment A.2-4.

- A.16-2 Please see the Introduction response above regarding the use of pesticides.
- A.16-3 Please see response to comment A.6-10.
- A.16-4 Please see response to comment A.9-5.
- A.16-5 Please see the Introduction response above regarding the use of pesticides.

LETTER A.17 – Saturnino Garcia

- A.17-1 Please see response to comment A.2-4.
- A.17-2 Please see response to comment A.6-10.

LETTER A.18 – Stephanie Freeman and Yvonne C. Brown

- A.18-1 Please see response to comment A.2-4.

LETTER A.19 – Carleen Hunter

- A.19-1 Please see response to comment A.2-4.
- A.19-2 Please see responses to comments A.2-7 and A.13-3.
- A.19-3 Please see the Introduction response above regarding the use of pesticides.

LETTER A.20 – Tiffany Altmann

- A.20-1 Please see the Introduction response above regarding the use of pesticides.
Please see response to comment A.2-4.
- A.20-2 The commenter's scientific background is acknowledged; however, the County disagrees that implementation of the Proposed Ordinance would result in a significant impact to the environment. Please also see response to comment A.2-4.

LETTER A.21 – Mark Mealy

- A.21-1 Please see response to comment A.2-4.

LETTER A.22 – Darlene Kanzler

- A.22-1 Please see response to comment A.2-4.

LETTER A.23 – Linda Weber

- A.23-1 Please see the Introduction response above regarding the use of pesticides.
Please see responses to comments A.2-3 and A.2-13.

LETTER A.24 – Patricia & Gerald Bischoff

- A.24-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-4.

LETTER A.25 – Brian Gilwee

- A.25-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.26 - Greg Curran

- A.26-1 Please see the Introduction response above regarding the use of pesticides. The remainder of the comment is noted. The decision makers will consider the community concerns when deciding to either approve or deny the Proposed Ordinance. CEQA section 15074(b) states,

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

LETTER A.27 - Patrice M Lock

- A.27-1 Please see the Introduction response above regarding the use of pesticides.
- A.27-2 Please see response to comment A.6-10.

LETTER A.28 - Kai

- A.28-1 The e-mail received from this commenter was blank. Staff has emailed this commenter and asked that they resubmit the comment. However, staff did not receive a response.

LETTER A.29 - Paula McDonald

- A.29-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.6-10.

LETTER A.30 - Cynthia Tozer

- A.30-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.31 - Clayton Haven

- A.31-1 Comment noted. The decision makers will consider the community concerns when deciding to either approve or deny the Proposed Ordinance. CEQA section 15074(b) states,

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

LETTER A.32 - Susan Matthews

- A.32-1 Please see the Introduction response above regarding the use of pesticides.
Please see response to comment A.2-4.

LETTER A.33 - Sarah Wong

- A.33-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.
- A.33-2 Please see response to comment A.9-5.
- A.33-3 Please see the Introduction response above regarding the use of pesticides.
Please see responses to comments A.2-3 and A.2-13.

LETTER A.34 - Bonnie Wren

- A.34-1 Please see response to comment A.2-4.
- A.34-2 Please see the Introduction response above regarding the use of pesticides.

LETTER A.35 - Stephanie Cauchon

- A.35-1 Please see the Introduction response above regarding the use of pesticides.
Please see response to comment A.2-4.

LETTER A.36 - Jayne Kuhlman

- A.36-1 Please see response to comment A.2-4
- A.36-2 The County disagrees the ND is inadequate or that it is written in “*an obtuse manner*”. The environmental document was written in a format to be intended on being easily read by the public; however, the comment is noted.

LETTER A.37 - Joshua Goldman

- A.37-1 Comment noted. The County will notice all commenter’s of the Board of Supervisor hearing on this matter.

LETTER A.38 - Susan Heiman Engel

- A.38-1 Please see response to comment A.2-4.

LETTER A.39 - Judy Botelo

- A.39-1 Please see response to comment A.6-10.
- A.39-2 Please see the Introduction response above regarding the use of pesticides.

LETTER A.40 - Sheila Murdock

- A.40-1 Please see the Introduction response above regarding the use of pesticides.
Please see responses to comments A.2-3 and A.2-13.

LETTER A.41 - Diana Robinson

- A.41-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.42 - Laura Glusha

- A.42-1 Please see the Introduction response above regarding the use of pesticides.
Please see responses to comments A.2-3 and A.2-13.

- A.42-2 Please see response to comment A.2-4.

- A.42-3 Please see response to comment A.6-10.

LETTER A.43 - Gregory Hall

- A.43-1 Please see response to comment A.2-4.

- A.43-2 Please see the Introduction response above regarding the use of pesticides.
Please see response to comment A.2-3.

LETTER A.44 - Jeff Skeith

- A.44-1 Please see response to comment A.6-10.

- A.44-2 The issue of fluoride in drinking water is not related to the Proposed Ordinance.
No response is necessary.

LETTER A.45 - James L. Conwell

- A.45-1 Please see the Introduction response above regarding the use of pesticides.
Please see responses to comments A.2-3 and A.2-4.

LETTER A.46 - Craig A. Ditzler, D.C.

- A.46-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.47 - Nancy Besimon

- A.47-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.48 - Brina-Rae Schuchman and family

- A.48-1 Please see response to comments A.2-3 and A.2-13.

LETTER A.49 - Cynthia Maley

- A.49-1 Please see the Introduction response above regarding the use of pesticides.
Please see responses to comments A.2-4 and A.6-10.

LETTER A.50 - Megan and James Werland

A.50-1 Please see the Introduction response above regarding the use of pesticides.
Please see response to comment A.2-4.

LETTER A.51 - Patrice M. Lock

A.51-1 Please see the Introduction response above regarding the use of pesticides.
Please see response to comment A.2-4.

LETTER A.52 - Cynthia Lynne Millsaps

A.52-1 Introduction comment is noted.

A.52-2 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-3.

A.52-3 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.6-10.

LETTER A.53 - Julie Sanders

A.53-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

LETTER A.54 - Renata Pawluk

A.54-1 Please see response to comment A.2-4.

A.54-2 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-3.

A.54-3 Please see the Introduction response above regarding the use of pesticides.

A.54-4 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

A.54-5 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-3.

A.54-6 Please see the Introduction response above regarding the use of pesticides.

LETTER A.55 - Ariane Jansma, Ph.D.

A.55-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

A.55-2 Please see responses to comments A.6-10 and A.9-5.

LETTER A.56 - Garnet Tomich

- A.56-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

LETTER A.57 - Amy Randel and Michael Gates

- A.57-1 Please see response to comment A.2-4.
- A.57-2 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-3.
- A.57-3 Please see response to comment A.6-10.

LETTER A1.58 - Meredith Garner

- A.58-1 Please see response to comment A.6-10.
- A.58-2 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-7.
- A.58-3 Please see response to comment A.2-4.
- A.58-4 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3 and A.2-13.
- A.58-5 Please see the Introduction response above regarding the use of pesticides.
- A.58-6 Please see responses to comments A.6-10 and A.2-11.

LETTER A.59 - Sandra M. Drahman

- A.59-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-3.

LETTER A.60 - Julee Jenkins

- A.60-1 Comment noted. The decision makers will consider the community concerns when deciding to either approve or deny the Proposed Ordinance. CEQA section 15074(b) states,

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

LETTER A.61 - Susan Davison

- A.61-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

LETTER A.62 - Diana Christianson

A.62 Comment noted. The commenter has not provided a comment related to a specific environmental impact that would require a response under CEQA.

LETTER A.63 - Linda Seibert

A.63-1 Please see response to comment A.6-10.

A.63-2 The County disagrees that the City of San Diego has not “weighed in on this matter”. Please see response to comment letter A.3.

A.63-3 Please see the Introduction response above regarding the use of pesticides.

LETTER A.64 - Robin Winton and family

A.64-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-4, A.2-3, and A.6-10.

LETTER A.65 - Becky Hein

A.65-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-4.

LETTER A.66 - Cindy Trubovitz

A.66-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.2-4.

LETTER A.67 - Darlene Graham

A.67-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-4 and A.6-10.

LETTER A.68 - Kirby Fairfax

A.68-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.6-10.

LETTER A.69 - Charles Tatum

A.69-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.2-4.

LETTER A.70 - Steve Emig

A.70-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.71 - Josephine Randel

- A.71-1 Please see response to comment A.2-4.
- A.71-2 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-3.
- A.71-3 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.6-10.

LETTER A.72 - Gloria Damecki

- A.72-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-4.
- A.72-2 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.6-10.
- A.71-3 Please see response to comment A.13-3.

LETTER A.73 - Hal Bahl and Janet Summerville

- A.73-1 Please see response to comment A.6-10.

LETTER A.74 - Jennifer Eve

- A.74-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.75 - Michelle Jackson

- A.75-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-3.
- A.75-2 Please see response to comment A.6-10.

LETTER A.76 - Brandon Stephenson

- A.76-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.77 - Laura Correa

- A.77-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.78 - Lynn Kaufman

- A.78-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.79 - Carrie Schneider

- A.79-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.2-13.

LETTER A.80 - Sharon Gehl

A.80-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-4.

A.80-2 Please see response to comment A.6-10.

LETTER A.81 - Gayle Williams

A.81-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-4.

A.81-2 Please see responses to comments A.2-3 and A.6-10.

LETTER A.82 - Laurel Ng

A.82-1 Please see response to comment A.2-4.

A.82-2 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3, A.2-13 and A.6-10.

LETTER A.83 - Melissa Hanna

A.83-1 Please see response to comment A.2-4.

A.83-2 Please see the Introduction response above regarding the use of pesticides.

A.83-3 Please see response to comment A.2-11.

LETTER A.84 - Alden Avery

A.84.1 Please see the Introduction response above regarding the use of pesticides.

A.84-2 The comment questions the height of the proposed BMP barrier fence would not be adequate to contain eye gnats. This comment is not an issue related to CEQA; therefore, no response is necessary. However, staff will encourage farmers to use taller barriers voluntarily where there is not a code compliance or visual impact issue.

A.84-3 Please see the Introduction response above regarding the use of pesticides.

A.84-4 The Proposed Ordinance applies to any property within the County of San Diego that is the source an eye gnat nuisance.

A.84-5 Trapping the eye gnats is a proven control measure and is included in the Proposed Ordinance and Program.

LETTER A.85 – Justin McClure

A.85-1 Please see response to comment A.6-10.

LETTER A.86- Andrea V. Seavey

A.86-1 Please see responses to comments A.2-4 and A.6-10.

A.86-2 Please see the Introduction response above regarding the use of pesticides.

LETTER A.87 - Virginia Johnston

A.87-1 Please see response to comment A.2-4.

LETTER A.88 – Laura Glusha

A.88-1 Please see the Introduction response above regarding the use of pesticides.

A.88-2 Please see responses to comments A.2-4 and A.6-10.

LETTER A.89 – Dennis Lindshield

A.89-1 Please see responses to comments A.2-3 and A.2-13.

LETTER A.90 – Joy Williams Environmental Health Coalition

A.90-1 Introductory comment is noted.

A.90-2 Eye gnats that cause human discomfort are a vector, as defined in state law. Therefore, the Proposed Ordinance and Program is not precedent setting or would otherwise expand governmental powers.

A.90-3 Please see the Introduction response above regarding the use of pesticides.

A.90-4 The County disagrees that the Proposed Ordinance would be growth inducing or result in residential development on agricultural land. The CEQA Initial Study states in section XIII. Population and Housing:

“The proposed project will not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area including, but limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water annexations; or Local Agency Formation Commission (LAFCO) annexation actions.”

The comment does not provide substantial or factual evidence to support the assumption that project implementation would result in growth inducement.

A.90-5 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.2-13.

A.90-6 Please see response to comment A.6-10.

- A.90-7 Please see response to comment A.2-7.
- A.90-8 Please see the Introduction response above regarding the use of pesticides.
- A.90-9 All Board of Supervisors Hearings are archived on the County's website - <http://www.co.san-diego.ca.us/general/bos.html>. Please see response to comment A.2-4.

LETTER A.91 – Dr. Eric S. Paysen

- A.91-1 The commenter's scientific background is acknowledged; however, the County disagrees that implementation of the Proposed Ordinance would result in a significant impact to the environment.
- A.91-2 Please see responses to comments A.6-1 and A.91-1.
- A.91-3 Please see response to comment A.6-2.
- A.91-4 Please see response to comment A.6-3.
- A.91-5 Please see response to comment A.6-4.
- A.91-6 Please see response to comment A.6-5.
- A.91-7 Please see responses to comments A.2-7 and A.6-6.
- A.91-8 Please see response to comment A.6-7.
- A.91-9 Please see response to comment A.6-8.
- A.91-10 Please see response to comment A.6-9.
- A.91-11 Please see response to comment A.6-10.
- A.91-12 Please see responses to comments A.2-3 and A.2-13.

LETTER A.92 – Jane Sooby – Organic Farming Research Foundation

- A.92-1 Introductory comment is noted.
- A.92-2 The amendments to Chapter 2 included in the Proposed Ordinance would provide authority over other potential sources of eye gnats.
- A.92-3 Please see response to comment A.6-10.
- A.92-4 Please see response to comment A.2-17.
- A.92-5 Please see the Introduction response above regarding the use of pesticides.
- A.92-6 Please see response to comment A.90-2.

A.92-7 Please see response to comment A.6-10.

LETTER A.93 – MC Hagerty

A.93-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3, A.2-4 and A.9-5.

A.93-2 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-7.

A.93-3 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.6-10.

LETTER A.94 – Erick R. Altona

A.94-1 Please see response to comment A.2-4.

A.94-2 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.6-10.

A.94-3 Please see responses to comments A.2-15 and A.90-2.

A.94-4 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3, A.2-4 and A.2-13.

LETTER A.95 – Amber Cassen

A.95-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3, A.2-4, A.2-13 and A.9-5.

A.95-2 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-7 and A.2-9.

A.95-3 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.6-10.

LETTER A.96 – Stacey Hard

A.96-1 Please see response to comment A.2-4.

LETTER A.97 – Daniel Osman

A.97-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.2-4.

LETTER A.98 – Karen Anderson

A.98-1 Please see response to comment A.2-4.

A.98-2 Please see response to comment A.2-3.

A.98-3 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-9.

A.98-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.6-10.

LETTER A.99 – Kathy Aldern

A.99-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.100 – M.A. Mareck

A.100-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.101 – Kim Knox

A.101-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3, A.2-4 and A.2-13.

LETTER A.102 – Laura Hunter and Ron Forster

A.102-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3, A.2-4, and A.2-13.

LETTER A.103 – Michael Lasiter and Teri Wyness

A.103-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-3.

LETTER A.104 – Sophie Chen

A.104-1 Please see responses to comments A.2-3, A.2-4 and A.2-13.

A.104-2 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.6-10.

LETTER A.105 – Katherine Belo

A.105-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3, A.2-4 and A.2-13.

LETTER A.106 – Laura Murphy

A.106-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

LETTER A.107 – Nikki List

A.107-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3, A.2-4, and A.2-13.

- A.107-2 Please see the Introduction response above regarding the use of pesticides. Please also see response to comments A.6-10.

LETTER A.108 – Christina Roman

- A.108-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.2-4.

- A.108-2 Comment noted. The decision makers will consider the community concerns when deciding to either approve or deny the Proposed Ordinance. CEQA section 15074(b) states,

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

- A.108-3 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-9.

- A.108-4 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.6-10.

LETTER A.109 – Mary Jo Trojnacki

- A.109-1 Introductory comment is noted.

- A.109-2 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-4, A.2-7, A.2-9 through A.2-12.

- A.109-3 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3, A.2-4 and A.6-10.

LETTER A.110 – Ed Bennett

- A.110-1 Please see response to comment A.2-4.

- A.110-2 Comment noted. The decision makers will consider the community concerns when deciding to either approve or deny the Proposed Ordinance. CEQA section 15074(b) states,

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

- A.110-3 Please see the Introduction response above regarding the use of pesticides.

LETTER A.111 – Cathy Barger

- A.111-1 Please see response to comment A.2-4.

- A.111-2 Please see the Introduction response above regarding the use of pesticides.

LETTER A.112 – Armand Aguirre

- A.112-1 Please see response to comment A.2-4.
- A.112-2 Please see the Introduction response above regarding the use of pesticides.
- A.112-3 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.6-10.

LETTER A.113 – Martha Kiehl

- A.113-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3 and A.6-10.

LETTER A.114 – Rose Aguirre

- A.114-1 Please see response to comment A.2-4.
- A.114-2 Please see the Introduction response above regarding the use of pesticides.
- A.114-3 Please see response to comment A.6-10.

LETTER A.115 – Janice Booth

- A.115-1 Please see responses to comments A.2-3, A.2-13 and A.6-10.

LETTER A.116 – David and Marie Skillman

- A.116-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3 and A.6-10.

LETTER A.117 – David Allen Begy and Mrs. France Begy

- A.117-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3 and A.2-4.
- A.117-2 The issue of fluoride in drinking water is not related to the Proposed Ordinance.
No response is necessary.
- A.117-3 Please see responses to comments A.12-6.
- A.117-4 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-4.

LETTER A.118 – Jane Smitham

- A.118-1 Please see response to comment A.2-4.
- A.118-2 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3, A.2-6, and A.9-5.

A.118-3 Please see responses to comments A.2-4 and A.6-10.

LETTER A.119 – Leslee Hall

A.119-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-4 and A.2-7.

A.119-2 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.6-10.

LETTER A.120 – Mary Sharp

A.120-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.121 – Matt Pawluk

A.121-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.122 – Sandra Smitham

A.122-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.123 – Elizabeth Keenan

A.123-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3, A.2-4 and A.2-6.

A.123-4 Please see response to comment A.6-10.

LETTER A.124 – Sarah Anderson

A.124-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.125 – Anthea Beletsis

A.125-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.126 – April Isbell

A.126-1 Comment noted.

LETTER A.127 – Ellen L. Klahn

A.127-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-4 and A.6-10.

LETTER A.128 – Carla M. Smith

A.128-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.2-4.

A.128-2 The Director of DEH would not have the authority to issue an order requiring the use of abatement measures that were not validated by the process described in the Ordinance in last resort situations except as allowed by 64.403(g). This was the intent of the Proposed Ordinance.

A.128-3 Please see response to comment A.90-2.

LETTER A.129– Lisa D’ Addazio

A.129-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.130 – Adrian Nutter

A.130-1 Comment noted. The decision makers will consider the community concerns when deciding to either approve or deny the Proposed Ordinance. CEQA section 15074(b) states,

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.

LETTER A.131 – Kevin Grangetto

A.131-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.132 – Ed Grangetto

A.132-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.133 – Bambi Merryweather

A.133-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.134 – Wendy Dee Hightman

A.134-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-4, A.2-9 and A.6-10.

LETTER A.135 – Robert Owen Morrison

A.135-1 Please see the Introduction response above regarding the use of pesticides. Please also see response to comment A.2-3 and A.6-10.

LETTER A.136 – Corianne Drabinski

A.136-1 Please see the Introduction response above regarding the use of pesticides. Please also see responses to comments A.2-3 and A.2-4.

LETTER A.137 – Andrea Plummer

A.137-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.138 – Ruth Landaal

A.138-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3 and A.2-4.

A.138-2 Please see response to comment A.6-10.

LETTER A.139 – Andrew J. Crane

A.139-1 Please see responses to comments A.2-3, A.2-4, A.2-13 and A.6-10.

A.139-2 Please see the Introduction response above regarding the use of pesticides.

LETTER A.140 – Gary Spoto

A.140-1 Please see response to comment A.2-4.

A.140-2 Please see the Introduction response above regarding the use of pesticides.

A.140-3 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.6-10.

LETTER A.141 – Birgit Neukirch

A.141-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

A.141-2 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.6-10.

LETTER A.142 – Nancy Madok

A.142-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

A.142-2 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-3.

LETTER A.143 – Jessica Romanillo

A.143-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

LETTER A.144 – Janet K. Shelton

A.144-1 Please see response to comment A.2-4.

A.144-2 Please see responses to comments A.2-3, A.2-7 and A.2-9.

A.144-3 Please see the Introduction response above regarding the use of pesticides.

LETTER A.145 – Victoria Cabot

A.145-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

A.145-2 Please see response to comment A.2-3.

A.145-3 Please see response to comment A.6-10.

LETTER A.146 - Lynne Anne Baker – San Dieguito River Valley Conservancy

A.146-1 Comment noted. The San Dieguito River Conservancy will be included on all future distributions for the Proposed Ordinance.

LETTER A.147 - Leslie Skelly

A.147-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.148 - Eileen Henot

A.148-1 Please see the Introduction response above regarding the use of pesticides.
Please also see response to comment A.2-4.

LETTER A.149 - Dr. Doreen Borseth

A.149-1 Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3 and A.2-13.

A.149-2 Please see response to comment A.6-10.

LETTER A.150 - Jeanne Cate

A.150-1 Please see the Introduction response above regarding the use of pesticides.

LETTER A.151 - Krout & Associates – LATE

Please see the Introduction response above regarding the use of pesticides.
Please also see responses to comments A.2-3 and A.2-13.

LETTER A.152 – Alden Environmental - LATE

Please see the Introduction response above regarding the use of pesticides.

LETTER A.153 – Thomas Escher - LATE

Please see the Introduction response above regarding the use of pesticides. The remainder of the comments are regarding the effectiveness of the Proposed Ordinance which are not related to an environmental impact pursuant to CEQA.

LETTERS A.154 – A.753

Letters A.154 through A.753 consist of the same form letter. Please see the Introduction response regarding pesticides and the Proposed Ordinance. Please also see responses to comments A.2-3 and A.2-4.

The County disagrees that the Ordinance is being rushed, as there have been many hearings, meetings, and additional work with farmers to implement best management practices in order to address the eye gnat breeding issue in a sustainable way.

LETTERS A.754 – A.814

Letters A.754 through A.814 consist of the same form letter. Please see the Introduction response regarding pesticides and the Proposed Ordinance. Please also see responses to comments A.2-3 and A.2-4.

The County disagrees that the Ordinance is being rushed, as there have been many hearings, meetings, and additional work with farmers to implement best management practices in order to address the eye gnat breeding issue in a sustainable way.

LETTERS A.815 – A.856

Letters A.815 through A.856 consist of the same form letter. Please see the Introduction response regarding pesticides and the Proposed Ordinance. Please also see responses to comments A.2-3 and A.2-4.

The County disagrees that the Ordinance is being rushed, as there have been many hearings, meetings, and additional work with farmers to implement best management practices in order to address the eye gnat breeding issue in a sustainable way.

LETTERS IN SUPPORT – B

Letters B.1 through B.123 were received in support of the Proposed Ordinance. Comments noted. However, in response to comment B.87, the County would like to note that staff will encourage farmers to use taller barriers voluntarily where there is not a code compliance or visual impact issue.